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Company Limited

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

AD ADVERTISING DESIGN, INC.,
d/b/a AD CREATIVE,

Plaintiff,

vs.

SENTINEL INSURANCE COMPANY,
LIMITED

Defendant.

Cause No. _____

**DEFENDANT'S NOTICE OF
REMOVAL**

COMES NOW defendant, Sentinel Insurance Company, Ltd. ("Sentinel"), by and through its attorneys, Crowley Fleck PLLP, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files its Notice of Removal of the civil action filed against it by plaintiff AD Advertising Design, Inc., d/b/a AD Creative ("AD") in the Montana

Thirteenth Judicial District Court, Yellowstone County, Montana, Cause No. DV-17-1364 to the United States District Court for the District of Montana. Pursuant to 28 U.S.C. § 1446, this removal is filed in the Billings Division, “the district and division within which such action is pending.”

Pursuant to the requirements of 28 U.S.C. § 1446(a), Sentinel presents the following short and plain statement of the grounds for removal:

1. Sentinel is defendant in a civil action pending in the Montana Thirteenth Judicial District Court, Yellowstone County, Montana, Cause No. DV-17-1364. The initial Complaint for Declaratory Relief (the “Complaint”) was filed on September 11, 2017. **Exhibit A.** A summons was issued by the Clerk of Court for Yellowstone County, Montana, on September 12, 2017. **Exhibit B.** The Complaint was served on the Montana Commissioner of Securities & Insurance (“Commissioner”) on September 19, 2017, and Sentinel received notice of the lawsuit by way of a letter from the Commissioner dated September 21, 2017. **Exhibit C.**

2. The matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a). Plaintiff’s Complaint seeks declaratory relief on an insurance policy. Plaintiff seeks a declaration that Sentinel is obligated to pay AD approximately \$115,595.00, which payments, if owed, would exceed

\$75,000.00. Complaint at ¶¶ 5, 7. Plaintiff additionally seeks prejudgment interest and attorneys' fees and costs. Complaint at p. 2.

3. This Notice of Removal is proper because it is filed within thirty (30) days of receipt by defendant of "a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," and therefore is timely under 28 U.S.C. § 1446(b)(1). The summons and complaint were served on the Commissioner on September 19, 2017, and Sentinel received notice of the lawsuit by way of a letter from the Commissioner dated September 21, 2017.

4. This action is properly removed to this court. It is a civil action over which the United States District Court for the District of Montana has jurisdiction under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties as follows:

- a. Plaintiff's Complaint alleges Plaintiff is a Montana corporation with its principal place of business in Billings, Montana. Complaint at ¶ 1.
- b. Sentinel is a subsidiary of Hartford which is a Connecticut corporation with its principal place of business located in Hartford, Connecticut and is therefore considered a citizen of Connecticut for the purposes of this lawsuit.

5. Pursuant to 28 U.S.C. § 1446(a), defendant has attached, as **Exhibits A, B, and C**, a complete copy of all process, pleadings, and orders served upon it in this action.

6. Pursuant to 28 U.S.C. § 1446(d), defendants have given written notice of the filing of this Notice of Removal to all parties to this action and will file a copy of this Notice of Removal with the clerk of the Montana Thirteenth Judicial District Court, Yellowstone County. **Exhibit D.**

7. Defendant has satisfied the requirements for removal under 28 U.S.C. § 1446 and all other applicable rules.

WHEREFORE, for all of the foregoing reasons, Sentinel respectfully requests that this court assume full jurisdiction over this cause and that this cause continue to proceed before this court as an action properly removed.

Dated this 20th day of October, 2017.

/s/ Isaac F. Potter

Peter F. Habein

Isaac F. Potter

CROWLEY FLECK PLLP

Attorneys for Sentinel Insurance
Company, Ltd.